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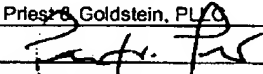
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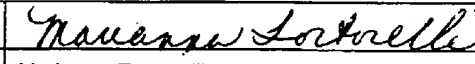
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TRANSMITTAL FORM		Application Number	09/735,335
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		First Named Inventor	Ross, Paul C.
		Art Unit	3629
		Examiner Name	Jonathan Ouellette
Total Number of Pages in This Submission	6	Attorney Docket Number	100.2471 Ross 6

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Ross

For : Telecommunications System for
Broadcasting and Receiving Information
whose Pertinence is at Least Partially Based
on Geography

Serial No. : 09/735,335

Filed : 12/11/2000

Group : 3629

Examiner : Jonathan Ouellette

Durham, North Carolina
March 24, 2008

MAIL STOP APPEAL BRIEF – PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply Brief

Sir:

This Reply Brief addresses several points raised by the Examiner's Answer, namely
Section (10) Response to Argument which begins at page 9 of the Examiner's Answer.

Numbered Paragraphs 19-22

These paragraphs are quoted below in their entirety for ease of reference:

19. The Appellant has made the argument that the cited (sic-cited) prior art fails to

disclose a broadcasted message having a priority and ordering the unfiltered messages according to that priority as claimed.

20. However, priority (as claimed) is in a format of interest; in other words, messages having priority could be messages on a list of interest, and therefore provided to the user.

21. Furthermore, Ernst discloses storing selection criteria (position, time, velocity, and manually entered data of interest) received from the user (abstract), and providing messages to users based on the saved criteria (C3 L33-41).

22. Finally, Ernst also providing messages to users based on defined position, velocity, and time of effectiveness (C L 7-26).

In response, the applicant notes that in claim 1 "a processor" as claimed by this claim is configured "to order the unfiltered messages according to their associated priorities" as disclosed, for example, at page 9, lines 17-23 of the specification:

At step 903, telecommunications base station 101 determines a priority of the geographically-sensitive message. This priority level will assist telecommunications terminal 102-i in determining whether to deliver the geographically-sensitive message to its user or whether to disregard the geographically-sensitive message. For example, a geographically-sensitive message concerning a sale at store in geographic region of relevance 613 (*i.e.*, city 113 in FIG. 1) should probably be assigned a lower priority than a geographically-sensitive message concerning a tornado in geographic region of relevance 613.

Thus, the individual user telecommunications terminal 102-i can determine whether to deliver geographically-sensitive messages to its user based on its priority. As discussed at page 1, lines 23-25, for example, "a report of traffic congestion on the Golden Gate Bridge is more likely to be of use to those in the San Francisco Bay metropolitan area than it is to people in New Zealand." Contrary to the suggestion of the Answer, the claimed "priorities" are clearly associated with geographic locations of relevance: "a plurality of broadcasted geographically-sensitive messages having associated geographic locations of relevance and priorities" and are not simply messages

on a list of interest (emphasis added). Ernst is discussed at length in Appellants' Brief; however, here it suffices to say that Ernst discloses nothing of the sort. Ernst's matching processor apparently simply sees if a segment matches stored information and disseminates information or not. See, for example, Ernst col. 3, lines 51-58. Perhaps, this is the case because Ernst employs a general broadcaster 200 apparently sending the same message to all receivers versus the claimed "telecommunications terminal". See Ernst, col. 1, lines 63-65, for example. However, by contrast, as noted at pg. 3 of Appellant's Brief, by way of example, referring to p. 9, lines 20-23 of the present specification, a geographically-sensitive message concerning a sale at a store in a geographic region of relevance 613 could be assigned a lower priority than a geographically-sensitive message concerning a tornado in the same geographic region of relevance 613 so that the more urgent message is delivered first. A customer could readily create a profile so that he or she would get messages in a desired order. Similarly, an advertiser using the system could pay a higher fee for a higher priority.

Numbered Paragraphs 23 and 24

These paragraphs are quoted below in their entirety for ease of reference:

23. The Appellant has also made the argument that the cited (sic--cited) prior art fails to teach or disclose receiving a geographic region of interest and a geographic region of relevance, and matching messages to users based on these two regions overlapping.

24. However, Ernst does disclose receiving regions of relevance (C3 L20-37, incorporation unit, navigational system information, and other selection criteria information) and receiving region of interest information (C3 L36-65, selection criteria information, event tags, stored regions of interest), and matching messages for users based on the received/saved information (C3 L45-65, Matching processor).

While Ernst does disclose geographic location (current position), time and/or velocity information, his incorporation unit 180 at general broadcaster 200 then "defines a position, a

velocity and a time of effectiveness for a particular message, e.g., on a projected history of the event, and incorporates this information as a segment in the message." Ernst, col. 3, lines 20-24. At Ernst's remote unit 110, "[m]atching processor 140 compares the information contained in the segment of the message to the information stored in storage 130". Ernst, col. 3, lines 51-53.

By contrast, the processor of claim 1, for example, determines "a geographic region of interest of said telecommunications terminal based on said geographic location." Whether that region is "a polygon", "a conic section", "a composite of at least one polygon and at least one ellipse" (page 6, lines 16-18); "a lake", "a highway", "a city" (page 6, line 31); "a three city-block area surrounding Times Square in Manhattan" (page 7, lines 19 and 20) or the like as disclosed by the present invention, a geographic region as claimed is not a location, a time and/or a velocity as taught by Ernst. The ability to determine a geographic region has advantages not taught by Ernst and not obvious therefrom.

Numbered Paragraphs 25 and 25

These paragraphs are quoted below in their entirety for ease of reference:

25. The Appellant has also made the argument that the sited (sic--cited) prior art fails to disclose the particular selection criteria for determining whether a broadcast message should be filtered out.

26. However, Ernst discloses filtering-out messages to users based on a criteria selection input of remote unit positions (geographic regions), velocities, and times (C3 10-45), as disclosed by the independent claims.

As noted above, Ernst does not disclose determining a geographic region as claimed and consequently cannot address the particular selection criteria claimed.

Numbered Paragraphs 27 and 28

These paragraphs are quoted below in their entirety for ease of reference:

27. Finally, the Appellant has made the argument that area type of said geographic region of interest is (sic--is not) functional descriptive material.

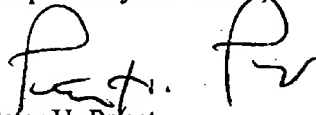
28. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The telecommunications terminal operating system would be performed regardless of the shape of geographic region of interest used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Far from being descriptive material, the claim language in question is part and parcel of the claimed systems and methods. Taking claims 5 and 10, by way of example, these claims recite "wherein said geographic region of interest comprises at least one of a polygon and a conic section." Thus, the processor of claim 5 (found in claim 1) determines a geographic region of interest comprising "at least one of a polygon and a conic section" and the method step of determining in claim 10 (found in claim 6) is similar. These specifically defined regions are even further removed from the positions of Ernst.

Conclusion

All of the claims of this long pending case should be promptly allowed.

Respectfully submitted,



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